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Stockholm Convention on Persistent Organic Pollutants

Conference of the Parties to the Stockholm Convention on Persistent Organic Pollutants
Seventh meeting
Geneva, 4–15 May 2015
Item 5 (a) (i) of the provisional agenda*

Matters related to the implementation of the Convention: measures to reduce or eliminate releases from intentional production and use: exemptions

Specific exemptions and acceptable purposes under the Stockholm Convention

Note by the Secretariat

I. Introduction

1. Article 4 of the Stockholm Convention on Persistent Organic Pollutants established a register for the purpose of identifying parties that have specific exemptions listed in Annex A or Annex B. Any State, upon becoming a party, may, by means of a notification in writing to the Secretariat, register for one or more types of specific exemption listed in Annexes A or B.

2. Parties may also, in accordance with the provisions of Annexes A and B to the Convention, register acceptable purposes, constituents of articles manufactured or already in use and closed-system site-limited intermediates.

A. Specific exemptions

3. The register of specific exemptions for chemicals listed in Annexes A and B established pursuant to Article 4, as well as to note (iv) of part I of Annexes A and B to the Convention is available on the Convention website for the following chemicals:[1, 2]

(a) Hexabromocyclododecane;

(b) Hexabromodiphenyl ether and heptabromodiphenyl ether;

(c) Lindane;

(d) Perfluorooctane sulfonic acid (PFOS), its salts and perfluorooctane sulfonyl fluoride (PFOSF);

(e) Technical endosulfan and its related isomers;

(f) Tetrabromodiphenyl ether and pentabromodiphenyl ether.

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* UNEP/POPS/COP.7/1.

[1] http://chm.pops.int/Implementation/Exemptions/RegisterofSpecificExemptions/tabid/1133/Default.aspx.

[2] As noted in decision SC-4/3, no parties had, as at 17 May 2009, registered for specific exemptions listed in Annex A pertaining to aldrin, chlordane, dieldrin, heptachlor, hexachlorobenzene and mirex. In accordance with paragraph 9 of Article 4 of the Convention, no new registrations may be made for such exemptions.

4. As at 15 December 2014, the Secretariat had received three registrations of specific exemptions for hexabromocyclododecane; four for hexabromodiphenyl ether and heptabromodiphenyl ether; three for lindane; nine for PFOS, its salts and PFOSF; three for technical endosulfan and its related isomers and five for tetrabromodiphenyl ether and pentabromodiphenyl ether. Among those was a notification from Japan updating its registrations for the use of hexabromodiphenyl ether, heptabromodiphenyl ether, tetrabromodiphenyl ether and pentabromodiphenyl ether. The updated information from Japan is available on the Convention website.

1. Expiry of specific exemptions

5. Paragraph 4 of Article 4 states that unless an earlier date is indicated by a party or an extension is granted pursuant to paragraph 7, all registrations for specific exemptions shall expire five years after the date of entry into force of the Convention with respect to a particular chemical. Paragraph 7 states that the Conference of the Parties may, upon request from a party, extend the expiry date of a specific exemption for a period of up to five years.

6. Pursuant to paragraph 5 of Article 4, and by decision SC-1/24, the Conference of the Parties adopted a review process for entries in the register, which was subsequently revised by decision SC-3/3. By decision SC-4/3, the Conference of the Parties extended the expiration date of the review process to 2015.

7. The amendments to the Convention listing lindane and PFOS, its salts and PFOSF in the annexes to the Convention entered into force for most parties on 26 August 2010.

8. The Secretariat sent a letter dated 19 March 2014 to all parties regarding the possible expiry on 26 August 2015 of the specific exemptions for those chemicals. None of the parties whose registrations expire on 26 August 2015 submitted a request for an extension pursuant to the revised process for entries in the Register of Specific Exemptions adopted by the Conference of the Parties.

9. Two parties that made declarations in accordance with paragraph 4 of Article 25 and for whom the amendments listing lindane and PFOS, its salts and PFOSF in Annexes A and B to the Convention entered into force in 2011 and in 2014 have also registered specific exemptions for those chemicals.

10. To date, no registrations of specific exemptions have been transmitted for the production and use of perfluorooctane sulfonic acid, its salts and perfluorooctane sulfonyl fluoride for carpets, leather and apparel, textiles and upholstery, paper and packaging, coatings and coating additives, or rubber and plastics.

11. Pursuant to paragraph 9 of Article 4, when there are no longer any parties registered for a particular type of specific exemption, no new registrations may be made with respect to it.

2. Brominated diphenyl ethers

12. According to note (iv) of part I of Annex A to the Convention, all the specific exemptions in that Annex may be exercised by parties that have registered exemptions in respect of them, in accordance with Article 4, with the exception of:

(a) The use of hexabromodiphenyl ether and heptabromodiphenyl ether, in accordance with the provisions of part IV of Annex A; and

(b) The use of tetrabromodiphenyl ether and pentabromodiphenyl ether, in accordance with the provisions of part V of Annex A.[3]

13. The Conference of the Parties, in accordance with parts IV and V of Annex A, conducts reviews of specific exemptions related to hexabromodiphenyl ether and heptabromodiphenyl ether, and to tetrabromodiphenyl ether and pentabromodiphenyl ether. Information relevant to the review of specific exemptions for brominated diphenyl ethers listed in Annex A has been compiled by the Secretariat (see UNEP/POPS/COP.7/7).

3. Lindane

14. In paragraph 4 of decision SC-6/2, the Conference of the Parties requested the Secretariat, subject to the availability of resources, to continue to take the lead in implementing, in cooperation with the World Health Organization, the activities on reporting and reviewing requirements for the use of lindane as a human health pharmaceutical for the control of head lice and scabies listed in section C of the annex to the report by the Secretariat on the development of reporting and reviewing

[3] Note (iv) of part I of Annex A also refers to the use of polychlorinated biphenyls. Information on those chemicals has been compiled by the Secretariat (see UNEP/POPS/COP.7/6).

requirements for the use of lindane,[4] and to report to the Conference of the Parties at its seventh meeting on the progress of those activities.

15. Considering the above-mentioned decision and the possible expiry of registrations for specific exemptions for most parties on 26 August 2015 with respect to lindane, the Secretariat, in collaboration with the World Health Organization, undertook activities to assess the availability of alternatives and the continued need for the use of lindane for the treatment of head lice and scabies. Information on scientific, technical and regulatory aspects, as well as use, was collected from credible sources on that use of lindane and its alternatives and reviewed through a consultation of selected experts from related disciplines. The Secretariat has prepared a report of the review (UNEP/POPS/COP.7/INF/4), and the conclusions of the expert consultation are summarized in the annex to the present note.

B. Acceptable purposes

16. The Secretariat maintains the registers of acceptable purposes for DDT and PFOS, its salts and PFOSF in accordance with paragraph 1 of parts II and III of Annex B to the Convention respectively. The registers are maintained on the Convention website.[5]

17. As at 15 December 2014, the Secretariat had received 17 notifications of acceptable purposes for DDT and 9 for PFOS, its salts and PFOSF, and has compiled information relevant to the evaluation of the continued need for those chemicals (see UNEP/POPS/COP.7/5 and UNEP/POPS/COP.7/8).

C. Constituents of articles manufactured or already in use

18. Note (ii) of part I of both Annex A and Annex B states that quantities of a chemical occurring as constituents of articles manufactured or already in use before or on the date of entry into force of the relevant obligation with respect to that chemical, shall not be considered as listed in the Annex, provided that a party has notified the Secretariat that a particular type of article remains in use within that party. The Secretariat shall make such notifications publicly available. The notifications submitted to the Secretariat are available on the Convention website.[6]

19. As at 15 December 2014, the Secretariat had received 11 notifications of chemicals occurring as constituents of articles in use: 1 for chlordane; 1 for heptachlor; 1 for lindane; 2 for hexabromodiphenyl ether and heptabromodiphenyl ether; 2 for tetrabromodiphenyl ether and pentabromodiphenyl ether; and 4 for PFOS, its salts and PFOSF.

D. Closed-system site-limited intermediates

20. Note (iii) of part I of both Annex A and Annex B states that given that no significant quantities of the chemical are expected to reach humans and the environment during the production and use of a closed-system site-limited intermediate, a party, upon notification to the Secretariat, may allow the production and use of quantities of a chemical listed in this Annex as a closed-system site-limited intermediate that is chemically transformed in the manufacture of other chemicals that, taking into consideration the criteria in paragraph 1 of Annex D, do not exhibit the characteristics of persistent organic pollutants.

21. As at 15 December 2014, note (iii) of part I of Annex A applies only to hexachlorobenzene,[7] and note (iii) of part I of Annex B applies only to DDT.[8]

22. The notifications submitted to the Secretariat are available on the Convention website.[9] As at 15 December 2014, the Secretariat had received notifications of the production or use of the following chemicals as closed-system site-limited intermediates:

(a) Hexachlorobenzene in the production of pentachlorophenol sodium salt,[10] from China (2 February 2005);

[4] UNEP/POPS/COP.5/18.

[5] Available from http://chm.pops.int/Implementation/Exemptions/Overview/tabid/789/Default.aspx.

[6] http://chm.pops.int/Implementation/Exemptions/Articlesinuse/tabid/452/Default.aspx.

[7] Note (iii) of part I of Annex A states that the note does not apply to a chemical that has an asterisk following its name in the chemical column in that part of the Annex.

[8] In accordance with paragraph 9 of part III of Annex B to the Convention, note (iii) of part I of Annex B does not apply to PFOS, its salts and PFOSF.

[9] http://chm.pops.int/Implementation/Exemptions/Closedsystemsitelimitednotification/tabid/453/Default.aspx.

(b) DDT in the production of dicofol, from:

(i) Brazil (13 September 2004);

(ii) China (2 February 2005);

(iii) India (27 October 2006 and 10 March 2014).

23. Production and use, in accordance with note (iii) of part I of both Annex A and Annex B, shall cease after a 10-year period unless the party concerned submits a new notification to the Secretariat, in which case the period will be extended for an additional 10 years, unless the Conference of the Parties, after a review of the production and use, decides otherwise; the notification procedure can be repeated.

24. A notification submitted by India on 10 March 2014 included justification of the continued need for the production and use of DDT as a closed-system site-limited intermediate in the production of dicofol for a further 10 years in India (see UNEP/POPS/COP.7/INF/3). The Conference of the Parties may wish to review the notification, pursuant to note (iii) of part I of Annex B to the Convention.

25. As at 15 December 2014, the Secretariat had received no other new notifications. The production and use of hexachlorobenzene in China, pursuant to note (iii) of part I of Annex A, and DDT in Brazil and China, pursuant to note (iii) of part I of Annex B, will have ceased by the seventh meeting of the Conference of the Parties.[11]

II. Proposed action

26. The Conference of the Parties may wish to adopt a decision along the following lines:

The Conference of the Parties

1. *Agrees* to amend paragraph 6 of the review process for entries in the Register of Specific Exemptions[12] to read as follows:

"6. *This review process will be open-ended. It will continue to be reviewed, as necessary, by the Conference of the Parties as part of its consideration of specific exemptions, and amended as the Conference of the Parties deems appropriate.*";

2. *Takes note*, pursuant to paragraph 9 of Article 4, that as there are no longer any parties registered for specific exemptions for the production and use of perfluorooctane sulfonic acid, its salts and perfluorooctane sulfonyl fluoride for carpets, leather and apparel, textiles and upholstery, paper and packaging, coatings and coating additives, and rubber and plastics, no new registrations may be made with respect to them;

3. *Congratulates* all parties that have eliminated the need for specific exemptions;

4. *Encourages* parties to take into consideration the report of the expert consultation on the review of lindane and alternatives in the treatment of head lice and scabies when promoting alternatives to lindane;[13]

5. *Reminds* the parties that may wish to register for specific exemptions for hexabromocyclododecane and technical endosulfan and its related isomers to notify the Secretariat in accordance with Article 4;

6. *Also reminds* the parties that may wish to register for acceptable purposes, articles in use and closed-system site-limited intermediates that are currently available to notify the Secretariat using the relevant forms for notifications;[14]

[10] By its decision POPRC-10/1, the Persistent Organic Pollutants Review Committee recommended to the Conference of the Parties that it consider listing pentachlorophenol (PCP) and its salts and esters in Annex A to the Convention, with specific exemptions for the production and use of PCP for utility poles and cross-arms.

[11] The notification received from Brazil expired on 13 September 2014. Those received from China will expire on 2 February 2015 unless the Secretariat receives a new notification from that party by that date and the Conference of the Parties agrees to extend the period for an additional 10 years.

[12] As adopted by decision SC-1/24 and revised by decision SC-3/3, with the expiration date of the review process for entries in the Register having been extended to 2015 by decision SC-4/3.

[13] UNEP/POPS/COP.7/INF/4.

[14] UNEP/POPS/COP.2/30 (annex III) and decisions SC-1/23, SC-1/25, SC-5/8 and SC-6/2.

7. *Notes* that, on the basis of the notification submitted to the Secretariat by India on 10 March 2014, the production and use of DDT as a closed-system site-limited intermediate in the production of dicofol has been extended until 15 May 2024;

8. *Requests* the Secretariat to continue to assist parties in their efforts in implementing the provisions of the Convention related to specific exemptions and acceptable purposes.

Annex

Summary of the conclusions of the expert consultation on lindane and its alternatives in the treatment of head lice and scabies[a]

Overview

1. Scabies and head lice have afflicted humans from antiquity and safe, effective and affordable treatments for these two conditions continue to be needed. Lindane lotions, creams and shampoos were widely used for both these conditions from the 1940s, although cautiously due to the adverse effects, especially neurotoxicity. With the availability of safer and more effective alternatives, the use of lindane decreased.

2. Although there are substantial information gaps, as of 2014, there appears to be widespread, continuing, regular use of lindane as a pharmaceutical product. The continuing use of lindane was found to be due to several factors specific to the country situation. The major use of lindane is in the developing countries with most developed countries having phased it out from the 1980s.

3. Both developed and developing countries have instituted regulatory actions for banning or restricting the use of lindane that have been effective in decreasing lindane use. Such actions have led to a concomitant increase in the use of alternatives such as permethrin in scabies. Exchanging information among countries of these activities would assist countries that have continued use of lindane to decrease such use.

Conclusions

4. The conclusions of the expert consultation are as follows:

(a) Scabies and head lice are global problems and will continue to be so in the foreseeable future;

(b) Lindane continues to be used in some countries for the treatment of both these conditions;

(c) Safer and more effective alternatives for the treatment of both these conditions are commonly available;

(d) Lack of awareness of adverse effects, toxicity, being considered as cheap and the non-accessibility of alternatives to lindane are among the key factors for continued use in some countries;

(e) Some countries have successfully instituted regulatory actions for banning or restricting the use of lindane for head lice and scabies;

(f) These regulatory actions have resulted in marked decrease in the use of lindane;

(g) Exchanging information among countries on the regulatory and other actions would assist other countries in decreasing and ultimately eliminating the use of lindane;

(h) The WHO integrated approach for the Prevention and Control of Neglected Tropical Diseases provides a framework for introducing alternative treatments for scabies and head lice and the ultimate elimination of the use of lindane.

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[a] UNEP/POPS/COP.7/INF/4.